

Serial No. 09/855,385  
Response dated January 5, 2006  
Reply to Office Action of August 5, 2005

Attorney Docket No. PF02177NA

**REMARKS/ARGUMENTS**

Claims 8 through 12, 14, 15 and 17 through 20 remain in this application. Claims 1 through 8 and 16 have been canceled without prejudice or disclaimer in order to expedite allowance of this application, and Applicants reserve the right to pursue these canceled claims via a continuation application. In addition, claims 8 through 10, 12, 14, 15 and 20 have been amended.

Claims 8 through 12 and 14 through 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,301,609 B1 to Aravamudan, et al. ("Aravamudan, et al. patent") in view of U.S. Patent No. 6,091,710 to Mawhinney ("Mawhinney patent").

The "Response to Arguments" at the bottom of page 9 of the above Office Action states that the features upon which Applicants rely are not recited in the rejected claims, namely independent claims 8 and 20. Accordingly, claims 8 and 20 are hereby amended to clarify these features. In particular, claim 8 as amended provides, *inter alia*, notifying the mobile subscriber that instant messages are available for download from the message buffer when the mobile subscriber has multiple messages stored in the message buffer. Likewise, claim 20 as amended provides an instant message proxy notifying the mobile subscriber that instant messages are available for download from the message buffer when the mobile subscriber has multiple messages stored in the message buffer. Support for the above added recitation is provided at page 13, lines 8 through 10, of the specification. In contrast, the Aravamudan, et al. patent and the Mawhinney patent do not describe or suggest notifying the mobile subscriber that instant

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messages are available for download from the message buffer when the mobile subscriber has multiple messages stored in the message buffer, as required by amended claims 8 and 20. Therefore, amended claims 8 and 20 distinguish patentably from the Aravamuda patent, the Mawhinney patent, and the combination of these patents.

Claims 9 through 12, 14, 15 and 17 through 19 depend from and include all limitations of independent claim 8 as amended. Therefore, claims 9 through 12, 14, 15 and 17 through 19 distinguish patentably from the Aravamuda patent, the Mawhinney patent, and the combination of these patents for the reasons stated above for amended claim 8.

In view of the above, reconsideration and withdrawal of the rejections to claims 8 through 12, 14, 15 and 17 through 20 are respectfully requested.

### **CONCLUSION**

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

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It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,  
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01/05/06

Date

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